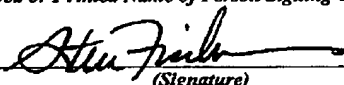


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Daniel J. Mellinger, et al.			BUR920030065US1 (16761)
Application No. 10/707,198	Filing Date November 26, 2003	Examiner Hung Nguyen	Group Art Unit 2851
Invention: OVERLAY AND CD PROCESS WINDOW STRUCTURE			
Confirmation No: 1197			
<p>I hereby certify that this <u>STATEMENT OF COMMON OWNERSHIP TO DISQUALIFY A REFERENCE</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>March 7, 2005</u> (Date)</p> <p style="text-align: right;"><u>Steven Fischman</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant(s):** Daniel J. Mellinger, et al.**Examiner:** Hung Nguyen**Serial No.:** 10/707,198**Docket:** BUR920030065US1 (16761)**Filed:** November 26, 2003**Art Unit:** 2851**For:** OVERLAY AND CD PROCESS
WINDOW STRUCTURE**Date:** March 7, 2005**Confirmation No:** 1197Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**STATEMENT OF COMMON OWNERSHIP TO DISQUALIFY
A REFERENCE UNDER 35 USC § 103(c)**

Sir:

The undersigned hereby states that both the instant application, U.S. Patent Application No. 10/707,198 and U.S. Patent Application No. 10/016,211, which matured into U.S. patent 6,716,559 to Leidy et al., were, at the time the invention of the instant application was made, owned by or subject to an obligation of assignment to International Business Machines Corporation.

Respectfully submitted,



Steven Fischman

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